



General Assembly

January Session, 2009

***Amendment***

LCO No. 7761

**\*SB0089107761SD0\***

Offered by:  
SEN. MEYER, 12<sup>th</sup> Dist.

To: Subst. Senate Bill No. 891

File No. 340

Cal. No. 275

***"AN ACT MODERNIZING CONNECTICUT FERTILIZER LAW."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 22-111a of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2009*):

5 This chapter shall be known as the "Connecticut Fertilizer Law of  
6 2008".

7 Sec. 2. Section 22-111b of the general statutes is repealed and the  
8 following is substituted in lieu thereof (*Effective July 1, 2009*):

9 When used in this chapter:

10 [(a) "Commercial fertilizer" means any substance containing one or  
11 more recognized plant nutrients which is used for its plant nutrient  
12 content and which is designed for use or claimed to have value in  
13 promoting plant growth, except unmanipulated animal and vegetable

14 manures, marl, lime, limestone, wood ashes and gypsum;

15 (b) "Specialty fertilizer" means a commercial fertilizer distributed  
16 primarily for nonfarm use, such as home gardens, lawns, shrubbery,  
17 flowers, golf courses, municipal parks, cemeteries, greenhouses and  
18 nurseries;

19 (c) "Bulk fertilizer" means a commercial fertilizer distributed in a  
20 nonpackaged form;

21 (d) "Brand" means a term, design or trademark used in connection  
22 with one or several grades of commercial fertilizer;

23 (e) (1) Until July 1, 1967, and thereafter until the Commissioner of  
24 Agriculture prescribes the alternative form in accordance with the  
25 provisions of subdivision (2) hereof, "guaranteed analysis" means the  
26 minimum percentage of plant nutrients claimed in the following order  
27 and form:

T1	(A) Total Nitrogen (N) .....	per cent
T2	Available Phosphoric Acid ( $P_2O_5$ ) .....	per cent
T3	Soluble Potash ( $K_2O$ ) .....	per cent;

28 (B) For unacidulated mineral phosphatic materials and basic slag,  
29 both total and available phosphoric acid and the degree of fineness.  
30 For bone, tankage and other organic phosphatic materials, total  
31 phosphoric acid;

32 (C) Guarantees for plant nutrients other than nitrogen, phosphorus  
33 and potassium may be permitted or required by regulation of the  
34 commissioner. The guarantees for such other nutrients shall be  
35 expressed in the form of the element. The sources of such other  
36 nutrients, such as oxides, salt, chelates, etc., may be required to be  
37 stated on the application for registration and may be included as a  
38 parenthetical statement on the label. Other important beneficial or  
39 harmful substances or compounds, determinable by laboratory  
40 methods also may be guaranteed by provision of the director and

41 commissioner, acting jointly. When any plant nutrients or other  
42 substances or compounds are guaranteed, they shall be subject to  
43 inspection and analysis in accord with the methods and regulations  
44 prescribed by the director.

45 (2) At any time after July 1, 1967, when the commissioner finds, after  
46 public hearing following due notice, that the requirement for  
47 expressing the guaranteed analysis of phosphorus and potassium in  
48 elemental form would not impose an economic hardship on  
49 distributors and users of fertilizer by reason of conflicting labeling  
50 requirements among the states, he may require by regulation  
51 thereafter that the guaranteed analysis shall be in the following form:

T4	Total Nitrogen (N) .....	per cent
T5	Available Phosphoric Acid (P) .....	per cent
T6	Soluble Potash (K) .....	per cent

52 provided the effective date of such regulation shall be not less than six  
53 months following the issuance thereof, and provided, for a period of  
54 two years following the effective date of such regulation, the  
55 equivalent of phosphorus and potassium may also be shown in the  
56 form of phosphoric acid and potash; provided, after the effective date  
57 of a regulation issued under the provisions of this section, requiring  
58 that phosphorus and potassium be shown in the elemental form, the  
59 guaranteed analysis for nitrogen, phosphorus and potassium shall  
60 constitute the grade;

61 (f) "Grade" means the percentages of total nitrogen, available  
62 phosphorus or phosphoric acid, and soluble potassium or soluble  
63 potash stated in whole numbers in the same terms, order and  
64 percentages as in the guaranteed analysis;

65 (g) "Official sample" means any sample of commercial fertilizer  
66 taken by the commissioner or his agent and designated as official by  
67 the commissioner;

68 (h) "Ton" means a net weight of two thousand pounds avoirdupois;

- 69 (i) "Per cent" or "percentage" means the percentage by weight;
- 70 (j) "Person" includes individual, partnership, association, firm,  
71 limited liability company and corporation;
- 72 (k) "Distributor" means any person who imports, consigns,  
73 manufactures, produces, compounds, mixes or blends commercial  
74 fertilizer, or who offers for sale, barter or otherwise supplies  
75 commercial fertilizer in this state;
- 76 (l) "Registrant" means the person who registers commercial fertilizer  
77 under the provisions of this chapter;
- 78 (m) "Director" means the director of the Connecticut Agricultural  
79 Experiment Station;
- 80 (n) "Commissioner" means the Commissioner of Agriculture.]
- 81 (1) "Fertilizer" means any substance containing one or more  
82 recognized plant nutrients, which is used for its plant nutrient content  
83 and which is designed for use or claimed to have value in promoting  
84 plant growth. Fertilizer does not include unmanipulated animal and  
85 vegetable manures, marl, lime, limestone, wood, ash and other  
86 products exempted by regulations adopted by the commissioner  
87 pursuant to section 22-111j, as amended by this act.
- 88 (2) "Fertilizer material" means a fertilizer which: (A) Contains  
89 important quantities of not more than one of the primary plant  
90 nutrients nitrogen, phosphate or potash, or (B) has not less than eighty-  
91 five per cent of its plant nutrient content present in the form of a single  
92 chemical compound, or (C) is derived from a plant or animal residue,  
93 by-product or natural material deposit which has been processed in a  
94 manner that results in its content of plant nutrients not having been  
95 materially changed, except by purification and concentration.
- 96 (3) "Mixed fertilizer" means a fertilizer containing any combination  
97 or mixture of fertilizer materials.

98       (4) "Specialty fertilizer" means a fertilizer distributed for nonfarm  
99       use.

100       (5) "Bulk fertilizer" means a fertilizer distributed in a nonpackaged  
101       form.

102       (6) "Brand" means a term, design or trademark used in connection  
103       with one or more grades of fertilizer.

104       (7) "Guaranteed analysis" means the minimum percentage of plant  
105       nutrients claimed in the following order and form:

T7           (A) Total Nitrogen (N) ..... per cent

T8           (B) Available Phosphate (P<sub>2</sub>O<sub>5</sub>) ..... per cent

T9           (C) Soluble Potash (K<sub>2</sub>O) ..... per cent

106       (8) "Grade" means the percentage of total nitrogen, available  
107       phosphate and soluble potash, stated in whole numbers in the same  
108       terms, order and percentages as in the guaranteed analysis.

109       (9) "Official sample" means any sample of fertilizer taken by the  
110       commissioner or the commissioner's duly authorized agent and  
111       designated as such by the commissioner.

112       (10) "Ton" means a net weight of two thousand pounds avoirdupois.

113       (11) "Primary nutrient" means total nitrogen, available phosphate or  
114       soluble potash.

115       (12) "Per cent" or "percentage" means percentage by weight.

116       (13) "Person" means an individual, partnership, association, firm,  
117       corporation, limited liability company or other entity.

118       (14) "Distribute" means to import or consign or to offer for sale, sell,  
119       barter or otherwise supply fertilizer to any person in this state.

120       (15) "Distributor" means any person who distributes fertilizer.

121 (16) "Registrant" means a person who registers fertilizer pursuant to  
122 this act.

123 (17) "Label" means the display of all written, printed or graphic  
124 matter on a fertilizer container or a written statement accompanying a  
125 fertilizer.

126 (18) "Labeling" means all written, printed or graphic matter upon or  
127 accompanying any fertilizer, or advertisements, brochures, posters,  
128 television or radio announcements and Internet web site content used  
129 in promoting the sale of any fertilizer.

130 (19) "Investigational allowance" means an allowance for variations  
131 inherent in the taking, preparation and analysis of an official sample of  
132 fertilizer.

133 (20) "Deficiency" means the amount of nutrient found by analysis  
134 that is less than the guaranteed analysis.

135 (21) "Blender" means any person or system engaged in the business  
136 of blending fertilizer through the use of mobile or fixed equipment.

137 (22) "Blending" means the physical mixing or combining of the  
138 following to produce a uniform mixture: (A) One or more fertilizer  
139 materials and one or more filler materials, (B) two or more fertilizer  
140 materials, or (C) two or more fertilizer materials and filler materials,  
141 including mixing through the simultaneous or sequential application  
142 of any combination of materials listed in this subsection.

143 (23) "Application" means the process of placement or usage of  
144 fertilizer onto a targeted growing area.

145 (24) "Director" means the director of the Connecticut Agricultural  
146 Experiment Station.

147 (25) "Commissioner" means the Commissioner of Agriculture.

148 Sec. 3. Section 22-111c of the general statutes is repealed and the

149 following is substituted in lieu thereof (*Effective July 1, 2009*):

150 (a) Each brand and grade of [commercial] fertilizer shall be  
151 registered in the name of the person whose name appears on the label  
152 for such fertilizer before being distributed in this state. The application  
153 for registration shall be submitted to the commissioner on a form  
154 furnished by the commissioner and shall be accompanied by a fee of  
155 [~~fifteen~~] seventy-five dollars. [per major and minor element for each  
156 brand and grade listed on the application form, provided the cost for  
157 each registration shall not exceed ninety dollars per individual  
158 product.] On and after January 1, [1993] 2010, said fee shall be  
159 established by the commissioner by regulations adopted in accordance  
160 with the provisions of [chapter 54] section 22-111j, as amended by this  
161 act. The application shall include the following information: (1) The net  
162 weight; (2) the brand and grade; (3) the guaranteed analysis; and (4)  
163 the name and address of the registrant. [; (5) the sources from which  
164 the nitrogen, phosphorus and potassium are derived.] Upon approval  
165 of the application by the commissioner, a copy of the registration shall  
166 be furnished to the applicant. All registrations shall expire on June  
167 thirtieth of each year.

168 (b) A distributor shall not be required to register any [brand of  
169 commercial] fertilizer which is already registered under this chapter by  
170 another person, provided the label for such exempted fertilizer does  
171 not differ in any material respect to such previously registered  
172 fertilizer.

173 (c) A distributor shall not be required to register [a commercial]  
174 fertilizer formulated according to specifications which are furnished by  
175 a consumer prior to mixing; but shall be required to label such  
176 fertilizer as provided in subsection (c) of section 22-111d, as amended  
177 by this act.

178 Sec. 4. Section 22-111d of the general statutes is repealed and the  
179 following is substituted in lieu thereof (*Effective July 1, 2009*):

180 (a) Any [commercial] fertilizer distributed in this state in containers

181 shall have placed on or affixed to the container a label setting forth in  
182 clearly legible and conspicuous form the following information:  
183 [required by subdivisions (1), (2), (3) and (4) of subsection (a) of section  
184 22-111c] (1) Net weight, (2) brand and grade, provided the grade shall  
185 not be required when no primary nutrients are claimed, (3) guaranteed  
186 analysis, (4) the name and address of the registrant, and (5) directions  
187 for use for fertilizer distributed to the end user.

188 (b) If the fertilizer is distributed in bulk shipments, a written or  
189 printed statement of the information required by [said subdivisions]  
190 subsection (a) of this section shall accompany delivery and be supplied  
191 to the purchaser at the time of delivery.

192 (c) A [commercial] fertilizer formulated according to specifications  
193 which are furnished by or for a consumer prior to mixing shall be  
194 labeled to show the net weight, guaranteed analysis and the name and  
195 address of the applicable distributor or registrant.

196 Sec. 5. Section 22-111e of the general statutes is repealed and the  
197 following is substituted in lieu thereof (*Effective July 1, 2009*):

198 (a) [The commissioner shall adopt regulations in accordance with  
199 the provisions of chapter 54 establishing] Each distributor shall pay to  
200 the commissioner an inspection fee for all [commercial] fertilizer  
201 distributed to nonregistrants in this state [, provided the minimum fee  
202 shall be not less than] of twenty-five cents per ton, [and provided  
203 further, sales] with a minimum inspection fee of ten dollars. Sales to  
204 manufacturers or exchanges between them and sales by distributors  
205 [of less than ten tons in any annual period provided for in subsection  
206 (b) of this section] are exempted. Fees so collected shall be used for the  
207 payment of the costs of inspection, sampling and analysis and other  
208 expenses necessary for the administration of this chapter.

209 (b) Every person who distributes [a commercial] fertilizer in this  
210 state shall: File with the commissioner, on forms furnished by the  
211 commissioner, an annual statement for the period ending June thirtieth  
212 setting forth the number of net tons of each [commercial] fertilizer



213 distributed in this state during such [annual] period. Such report shall  
214 be due on or before the [fifteenth] thirtieth day of the month following  
215 the close of each annual period and shall be accompanied by the  
216 inspection fee established pursuant to subsection (a) of this section. If  
217 the tonnage report is not filed, and the payment of the inspection fee is  
218 not made [,] within sixty days after the end of the annual period, a  
219 collection fee amounting to ten per cent of the amount, but not less  
220 than ten dollars, shall be assessed against the registrant and may be  
221 collected in a legal action against the registrant.

222 (c) When more than one person is involved in the distribution of a  
223 [commercial] fertilizer, the last person who has the fertilizer registered  
224 and who distributes to a nonregistered dealer or consumer shall be  
225 responsible for reporting the tonnage and paying the inspection fee,  
226 unless the report and payment have been previously made by a prior  
227 distributor of the fertilizer.

228 Sec. 6. Section 22-111f of the general statutes is repealed and the  
229 following is substituted in lieu thereof (*Effective July 1, 2009*):

230 (a) For the purpose of the enforcement of the provisions of this  
231 chapter or any regulation adopted by the commissioner pursuant to  
232 section 22-111j, as amended by this act, the commissioner or [his] the  
233 commissioner's authorized agent, upon presenting appropriate  
234 credentials, [is authorized (1) to enter, during normal business hours,]  
235 may: (1) Enter any factory, warehouse or establishment within the  
236 state in which [commercial] fertilizers are manufactured, processed,  
237 packed or held for distribution, [or to] (2) enter any vehicle being used  
238 to transport or hold such fertilizers, and [(2) to inspect at reasonable  
239 times and within reasonable limits and in a reasonable manner,] (3)  
240 inspect such factory, warehouse, establishment or vehicle and all  
241 pertinent equipment, finished and unfinished materials, containers  
242 and labeling therein.

243 (b) The commissioner, [who may act through his] or the  
244 commissioner's authorized agent, shall sample and inspect

245 [commercial] fertilizers distributed within this state at such times and  
246 places and to such extent as [he] the commissioner may deem  
247 necessary to determine whether such [commercial] fertilizers are in  
248 compliance with the provisions of this chapter or any regulation  
249 adopted by the commissioner pursuant to section 22-111j, as amended  
250 by this act. The commissioner, individually or through [his] the  
251 commissioner's duly authorized agent, is authorized to enter upon any  
252 public or private premises or carriers [during regular business hours]  
253 in order to have access to [commercial] fertilizers subject to the  
254 provisions of this chapter and [the rules and regulations pertaining  
255 thereto] any regulations adopted by the commissioner pursuant to  
256 section 22-111j, as amended by this act. The director or [his] the  
257 director's agent shall analyze samples designated official by the  
258 commissioner.

259 (c) The methods of analysis and sampling shall be those adopted by  
260 the [director and commissioner from recognized authorities such as  
261 the Journal of the] Association of Official Analytical Chemists  
262 International.

263 (d) The commissioner, in determining for administrative purposes  
264 whether any [commercial] fertilizer is deficient in plant food, shall be  
265 guided solely by the official sample obtained and analyzed as  
266 provided for in this section.

267 (e) The results of official analysis shall be forwarded by the director  
268 to the commissioner, registrant and distributor. Upon request, the  
269 director shall furnish to the registrant a portion of any sample found  
270 subject to penalty or other legal action. Official samples for which  
271 penalties are assessed for nutritional deficiencies shall be retained by  
272 the director for not less than ninety days following the issuance of a  
273 deficiency report.

274 [(f) If the analysis provided for in this section shows that any  
275 commercial fertilizer falls short of the guaranteed analysis in any one  
276 or more ingredients, a penalty shall be assessed in accordance with the

277 following provisions: (1) For less than the minimum of total nitrogen,  
278 available phosphoric acid, soluble potash, three times the value of the  
279 deficiency of any one or more of said ingredients should such  
280 deficiency exceed the official investigational allowances as provided in  
281 regulations adopted by the commissioner and (2) for less than the  
282 minimum in any other constituent covered under subdivision (1) of  
283 subsection (e) of section 22-111b, which the registrant is required to or  
284 may guarantee, three times the value of the deficiency of such  
285 constituent should such deficiency exceed the official investigational  
286 allowance as provided in regulations adopted by the commissioner.

287 (g) All penalties assessed under this section shall be paid to the  
288 consumer of the lot of commercial fertilizer represented by the sample  
289 analyzed within three months after the date of notice from the  
290 commissioner to the registrant. Receipts shall be taken therefor and  
291 promptly forwarded to the commissioner. If such consumers cannot be  
292 found, the amount of the penalty shall be paid to the commissioner  
293 who shall remit the money to the State Treasurer for deposit in the  
294 General Fund. The provisions of this section shall apply only to  
295 purchases of one ton or more of fertilizer.

296 (h) For the purpose of determining the commercial value of any  
297 commercial fertilizer to be applied under the provisions of this section  
298 the commissioner shall determine and publish annually the values per  
299 unit of nitrogen, available phosphoric acid and soluble potash in  
300 commercial fertilizers in this state. If guarantees are as provided in  
301 subdivision (2) of subsection (e) of section 22-111b, the value shall be  
302 per unit of nitrogen, phosphorus and potassium. The values so  
303 determined and published shall be used in determining and assessing  
304 penalties.]

305 Sec. 7. (NEW) (*Effective July 1, 2009*) (a) For unacidulated mineral  
306 phosphatic material and basic slag, bone, tankage and other organic  
307 phosphatic materials, the total phosphate and degree of fineness may  
308 be guaranteed. Guarantees for plant nutrients other than nitrogen,  
309 phosphorus and potassium shall comply with the provisions of this act

310 and with regulations adopted by the commissioner pursuant to section  
311 22-111j of the general statutes, as amended by this act. Guarantees for  
312 other nutrients shall be expressed in the form of the primary element  
313 of such other nutrient. The commissioner may require the source of  
314 other nutrients, including, but not limited to, oxides, salts and chelates,  
315 to be stated on the product label and application for registration. Other  
316 beneficial substances or compounds, determinable by laboratory  
317 methods, may be guaranteed by permission of the commissioner and  
318 with the advice of the director. Any guaranteed plant nutrients or  
319 other substances or compounds shall be subject to inspection and  
320 analysis in accordance with regulations adopted by the commissioner  
321 pursuant to section 22-111j of the general statutes, as amended by this  
322 act. Specialty fertilizers may be guaranteed in fractional units of not  
323 greater than one per cent of total nitrogen, available phosphate, soluble  
324 potash, fertilizer materials, bone meal and manures and similar  
325 materials may be guaranteed in fractional units.

326 (b) If analysis shows a fertilizer is deficient in one or more of its  
327 guaranteed primary plant nutrients beyond the investigational  
328 allowances and compensations as established by this act or by any  
329 regulation adopted by the commissioner pursuant to section 22-111j of  
330 the general statutes, as amended by this act, a penalty payment of  
331 three times the value of such deficiency shall be assessed by the  
332 commissioner against the violator.

333 (c) All penalties assessed by the commissioner pursuant to this  
334 section shall be paid by the registrant to the consumer of the lot of  
335 fertilizer represented by the sample analyzed not later than three  
336 months after the date of notice from the commissioner to the registrant.  
337 If the commissioner is unable to locate or identify such consumer, such  
338 penalty payments shall be paid to the commissioner, who shall deposit  
339 the same into the General Fund. If the commissioner finds upon  
340 satisfactory evidence that a person has altered the content of fertilizer  
341 supplied to him or her by a registrant, or to have mixed or  
342 commingled fertilizer from two or more suppliers such that the result  
343 of either alteration changes the analysis of the fertilizer as originally

344 guaranteed, the commissioner shall require such person to obtain a  
345 registration and such person shall be held liable for all applicable  
346 penalty payments and be subject to any other applicable provisions of  
347 this act or any regulation adopted by the commissioner pursuant to  
348 section 22-111j of the general statutes, as amended by this act,  
349 including, but not limited to, seizure, condemnation and a stop sale  
350 order by the commissioner.

351 (d) A deficiency in an official sample of mixed fertilizer resulting  
352 from nonuniformity shall not be distinguishable from a deficiency due  
353 to actual plant nutrient shortage and shall be subject to action by the  
354 commissioner pursuant to sections 22-111a to 22-111j, inclusive, of the  
355 general statutes, 22-111l to 22-111q, inclusive, of the general statutes  
356 and sections 7, 8, 11, 13 and 20 of this act.

357 (e) Nothing contained in this section shall prevent any person from  
358 commencing an action in Superior Court for damages or penalty  
359 payments relating to fertilizer or fertilizer material.

360 Sec. 8. (NEW) (*Effective July 1, 2009*) The commissioner shall  
361 determine and publish annually the values per unit of nitrogen,  
362 available phosphate and soluble potash in fertilizers in this state, for  
363 purposes of determining the commercial value to be applied pursuant  
364 to sections 22-111a to 22-111j, inclusive, of the general statutes, 22-111l  
365 to 22-111q, inclusive, of the general statutes and sections 7, 8, 11, 13  
366 and 20 of this act. Such determined and published values shall be used  
367 by the commissioner in determining and assessing penalty payments  
368 pursuant to sections 22-111a to 22-111j, inclusive, of the general  
369 statutes, 22-111l to 22-111q, inclusive, of the general statutes and  
370 sections 7, 8, 11, 13 and 20 of this act.

371 Sec. 9. Section 22-111g of the general statutes is repealed and the  
372 following is substituted in lieu thereof (*Effective July 1, 2009*):

373 [A commercial fertilizer is misbranded if it carries a false or  
374 misleading statement on the container or on the label attached to the  
375 container, or if false or misleading statements concerning the fertilizer

376 are disseminated in any manner or by any means. No person shall  
377 distribute a misbranded fertilizer.]

378 No person shall distribute misbranded fertilizer. A fertilizer shall be  
379 misbranded if: (1) The labeling for such fertilizer is false or misleading,  
380 (2) the fertilizer is distributed under the name of another fertilizer  
381 product, (3) the fertilizer is not labeled pursuant to section 22-111d, as  
382 amended by this act, and in accordance with regulations adopted by  
383 the commissioner pursuant to section 22-111j, as amended by this act,  
384 or (4) such fertilizer is represented as a fertilizer or is represented as  
385 containing a plant nutrient or fertilizer, unless such plant nutrient or  
386 fertilizer conforms to the definition of identity, if any, prescribed by  
387 regulations adopted by the commissioner pursuant to section 22-111j,  
388 as amended by this act.

389 Sec. 10. Section 22-111h of the general statutes is repealed and the  
390 following is substituted in lieu thereof (*Effective July 1, 2009*):

391 [(a) Each person registering commercial fertilizers under this  
392 chapter shall furnish the commissioner with a confidential written  
393 statement of the tonnage of each grade of commercial fertilizer sold by  
394 him in this state for the annual period ending June thirtieth. No  
395 information furnished under this section shall be disclosed in such a  
396 way as to divulge the operation of any person.

397 (b) When more than one person is involved in the distribution of a  
398 commercial fertilizer, the last person who has the fertilizer registered  
399 and who distributes to a nonregistered dealer or consumer shall be  
400 responsible for reporting the tonnage and paying the inspection fee,  
401 unless the reporting and paying of fees have been made by a prior  
402 distributor of the fertilizer.]

403 (a) Any person who distributes or sells fertilizer to a nonregistrant  
404 shall furnish the commissioner with a written report detailing: (1) The  
405 county of the consignee of such fertilizer, (2) the amount, in tons or  
406 fractions thereof, of each grade of such fertilizer, and (3) the form in  
407 which such fertilizer was distributed, including, but not limited to,

408 bags, bulk or liquid. Such written report shall be submitted to the  
409 commissioner not later than the thirtieth day of July for distributions  
410 or sales made by such person during the preceding twelve months.

411 (b) Except for law enforcement purposes or as otherwise required  
412 by law, the commissioner shall not disclose to a third party any  
413 individual identifying information concerning a person who has  
414 submitted a report pursuant to subsection (a) of this section.

415 Sec. 11. (NEW) (*Effective July 1, 2009*) No person shall distribute an  
416 adulterated fertilizer. A fertilizer shall be considered adulterated if the  
417 commissioner determines: (1) Such fertilizer contains any deleterious  
418 or harmful substance in sufficient amounts to render it injurious to  
419 beneficial plant life, animals, humans, aquatic life, soil or water when  
420 applied in accordance with directions for use on the label for such  
421 fertilizer, (2) the label for such fertilizer does not contain adequate  
422 warning statements or directions for use necessary to protect plant life,  
423 animals, humans, aquatic life, soil or water, (3) the composition of such  
424 fertilizer falls below or differs from that displayed on the label for such  
425 fertilizer, or (4) such fertilizer contains unwanted crop or weed seed.

426 Sec. 12. Section 22-111i of the general statutes is repealed and the  
427 following is substituted in lieu thereof (*Effective July 1, 2009*):

428 The director shall publish at least annually and in such forms as he  
429 or she may deem proper: [(a)] (1) Information concerning the  
430 distribution of [commercial] fertilizers and [(b)] (2) results of analyses  
431 based on official samples of [commercial] fertilizers distributed within  
432 the state as compared with the analyses guaranteed under sections 22-  
433 111c, as amended by this act, and 22-111d, as amended by this act.

434 Sec. 13. (NEW) (*Effective July 1, 2009*) (a) Bulk fertilizers shall be  
435 stored in a manner that minimizes the release of such fertilizers and  
436 protects the environment.

437 (b) Fertilizer use and application shall comply with best  
438 management practices and with regulations adopted by the

439 commissioner pursuant to section 22-111j of the general statutes, as  
440 amended by this act.

441 Sec. 14. Section 22-111j of the general statutes is repealed and the  
442 following is substituted in lieu thereof (*Effective July 1, 2009*):

443 [For the enforcement of this chapter, the commissioner is authorized  
444 to prescribe and, after public hearing following due public notice, to  
445 enforce such regulations relating to the distribution of commercial  
446 fertilizers as he may find] The commissioner shall adopt regulations  
447 regarding fertilizer, in accordance with the provisions of chapter 54, as  
448 the commissioner finds necessary to carry into effect the full intent and  
449 meaning of this chapter.

450 Sec. 15. Section 22-111l of the general statutes is repealed and the  
451 following is substituted in lieu thereof (*Effective July 1, 2009*):

452 The commissioner may [cancel] revoke, refuse or suspend the  
453 registration of any brand of [commercial] fertilizer or refuse to register  
454 any brand of [commercial] fertilizer as herein provided, upon  
455 satisfactory evidence that the registrant or applicant for registration  
456 has violated any provision of this chapter or has used fraudulent or  
457 deceptive practices in the evasion or attempted evasion of the  
458 provisions of this chapter or any regulations [promulgated] adopted  
459 thereunder; provided no registration shall be revoked, [or] refused or  
460 suspended until the registrant has been given the opportunity to  
461 appear for a hearing by the commissioner or the commissioner's  
462 designee.

463 Sec. 16. Section 22-111m of the general statutes is repealed and the  
464 following is substituted in lieu thereof (*Effective July 1, 2009*):

465 The commissioner may issue and enforce a written or printed "stop  
466 sale, use or removal" order to the owner or custodian of any lot of  
467 [commercial] fertilizer to hold such fertilizer at a designated place  
468 when the commissioner finds such [commercial] fertilizer is being  
469 offered or exposed for sale in violation of any provision of this chapter



470 or any regulation adopted by the commissioner pursuant to section 22-  
471 111j, as amended by this act, until the [law has] provisions of this act or  
472 any such regulation have been complied with and such [commercial]  
473 fertilizer is released in writing by the commissioner or such violation  
474 has been otherwise legally disposed. The commissioner shall release  
475 the [commercial] fertilizer so withdrawn when the requirements of the  
476 provisions of this chapter or any regulation adopted by the  
477 commissioner pursuant to section 22-111j, as amended by this act, have  
478 been complied with and all costs and expenses incurred in connection  
479 with the withdrawal have been paid. The owner or custodian of any  
480 lot of fertilizer, who has been issued a stop sale, use or removal order  
481 pursuant to this section, shall be given the opportunity to appear for a  
482 hearing by the commissioner or the commissioner's designee.

483 Sec. 17. Section 22-111n of the general statutes is repealed and the  
484 following is substituted in lieu thereof (*Effective July 1, 2009*):

485 Any [lot of commercial] fertilizer not in compliance with the  
486 provisions of this chapter or any regulation adopted pursuant to  
487 section 22-111j, as amended by this act, shall be subject to seizure [on  
488 complaint of] by the commissioner. [to a court of competent  
489 jurisdiction in the area in which such commercial fertilizer is located.]  
490 If, after seizure, the [court] commissioner finds such [commercial]  
491 fertilizer to be in violation of this chapter or any regulation adopted  
492 pursuant to section 22-111j, as amended by this act, and orders the  
493 condemnation of such [commercial] fertilizer, it shall be disposed of in  
494 any manner consistent with the quality of the [commercial] fertilizer  
495 and the laws of the state; provided in no instance shall the disposition  
496 of such [commercial] fertilizer be ordered by the [court] commissioner  
497 without first giving the claimant an opportunity [to apply to] for a  
498 hearing by the [court] commissioner or the commissioner's designee  
499 for release of such [commercial] fertilizer or for permission to process  
500 or relabel such [commercial] fertilizer to bring it into compliance with  
501 this chapter or any regulation adopted pursuant to section 22-111j, as  
502 amended by this act.

503 Sec. 18. Section 22-111o of the general statutes is repealed and the  
504 following is substituted in lieu thereof (*Effective July 1, 2009*):

505 (a) If it appears from the examination of any [commercial] fertilizer  
506 that any provision of this chapter or [the regulations issued  
507 thereunder] any regulation adopted pursuant to section 22-111j, as  
508 amended by this act, has been violated, the commissioner shall cause  
509 notice of the violation to be given to the registrant, distributor or  
510 possessor from whom the sample was taken. Any person so notified  
511 shall be given opportunity to be heard [under such regulations as may  
512 be prescribed] by the commissioner. If it appears after such hearing,  
513 either in the presence or absence of the person so notified, that any [of  
514 the provisions] provision of this chapter or [rules and regulations  
515 issued thereunder have] any regulation adopted pursuant to section  
516 22-111j, as amended by this act, has been violated, [the commissioner  
517 may certify the facts to the prosecuting officer having jurisdiction]  
518 such person shall be fined not more than five hundred dollars for each  
519 such violation.

520 [(b) Any person convicted of violating any provision of this chapter  
521 or any regulation issued thereunder shall be fined not more than five  
522 hundred dollars.

523 (c) Nothing in this chapter shall be construed as requiring the  
524 commissioner or his representative to report for prosecution or for the  
525 institution of seizure proceedings minor violations of this chapter  
526 when he believes that the public interests will be best served by a  
527 suitable notice of warning in writing.

528 (d) Each prosecuting officer to whom any violation is reported shall  
529 cause appropriate proceedings to be instituted and prosecuted in a  
530 court of competent jurisdiction without delay.]

531 [(e)] (b) The commissioner may apply for and any court of  
532 competent jurisdiction may grant a temporary or permanent injunction  
533 restraining any person from violating or continuing to violate any  
534 provision of this chapter or any regulation [promulgated thereunder]

535 adopted pursuant to section 22-111j, as amended by this act,  
536 notwithstanding the existence of other remedies at law. Such  
537 injunction shall be issued without bond.

538 Sec. 19. Section 22-111p of the general statutes is repealed and the  
539 following is substituted in lieu thereof (*Effective July 1, 2009*):

540 Nothing in this chapter shall be construed to restrict or avoid sales  
541 or exchanges of [commercial] fertilizers between importers,  
542 manufacturers or manipulators who mix fertilizer materials for sale or  
543 to prevent the free and unrestricted shipments of [commercial]  
544 fertilizer to manufacturers or manipulators who have registered their  
545 brands as required by the provisions of this chapter or any regulation  
546 adopted pursuant to section 22-111j, as amended by this act.

547 Sec. 20. (NEW) (*Effective July 1, 2009*) The commissioner may  
548 cooperate with and enter into agreement with governmental agencies  
549 of this state, other states and agencies of the federal government in  
550 order to carry out the purpose and provisions of sections 22-111a to 22-  
551 111j, inclusive, of the general statutes, 22-111l to 22-111q, inclusive, of  
552 the general statutes and sections 7, 8, 11, 13 and 19 of this act, or any  
553 regulation adopted pursuant to section 22-111j of the general statutes,  
554 as amended by this act.

555 Sec. 21. Section 22-127 of the general statutes is repealed and the  
556 following is substituted in lieu thereof (*Effective October 1, 2009*):

557 The terms defined in this section shall, as used in this chapter, have  
558 the meanings set forth in this section unless otherwise clearly indicated  
559 in the context.

560 (1) "Adulterated" means any milk, milk product, retail raw milk or  
561 cheese: (A) Which bears or contains any poisonous or deleterious  
562 substance which may render it injurious to health, provided if the  
563 substance is not an added substance, such milk, milk product, retail  
564 raw milk or cheese shall not be considered adulterated if the quantity  
565 of such substance in such milk, milk product, retail raw milk or cheese

566 would not ordinarily render it injurious to health, (B) which bears or  
567 contains any added poisonous or added deleterious substance which is  
568 unsafe, (C) which consists in whole or in part of any diseased,  
569 contaminated, filthy, putrid or decomposed substance or is otherwise  
570 unfit for food, (D) which has been produced, prepared, packed or held  
571 under insanitary conditions whereby it may have become  
572 contaminated with filth or may have been rendered diseased,  
573 unwholesome or injurious to health, or (E) whose packaging or  
574 container is composed in whole or in part of any poisonous or  
575 deleterious substance which may render the contents injurious to  
576 health.

577 [(1)] (2) "Bulk tank unit" means a dairy farm or group of dairy farms  
578 from which raw milk is collected for pasteurization for which a single  
579 entity sanitation compliance rating is issued.

580 [(2)] (3) "Commissioner" means the Commissioner of Agriculture.

581 [(3)] (4) "Cheese manufacturer" means any person, firm, corporation  
582 or cooperative association engaged in the production, receiving or  
583 handling of milk or milk products, which milk products, in whole or in  
584 part, are intended to be manufactured into cheese for distribution or  
585 sale in or outside this state.

586 [(4)] (5) "Dealer" means any person, firm, corporation or cooperative  
587 association engaged in the receiving, handling, purchasing,  
588 distribution or sale of fluid milk or milk products, which fluid milk or  
589 milk products, in whole or in part, are intended for bottling,  
590 manufacturing, processing, distribution or sale in this state.

591 [(5)] (6) "Filled milk" means any combination of nonmilk fat or oil  
592 and milk, whether or not it is fresh, cultured, reconstituted or modified  
593 by the addition of nonfat milk solids, with or without milkfat, so that  
594 the product, including stabilizers, emulsifiers or flavoring, resembles  
595 milk or any other fluid milk product, and contains less than six per  
596 cent nonmilk fat or oil.

597 [(6)] (7) "Handler" means any person, firm, corporation or  
598 cooperative association engaged in the receiving, handling,  
599 distribution or sale of fluid milk or milk products, which fluid milk or  
600 milk products, in whole or in part, are intended for bottling,  
601 manufacturing, processing, distribution or sale in this state.

602 (8) "Misbranded" means the use of any label, written or printed  
603 advertising or graphic upon or accompanying a product or container  
604 of milk, milk products or cheese, including, but not limited to, signs,  
605 electronic displays, electronic communication, placards or other means  
606 of communication intended to provide information to consumers,  
607 which is false or misleading or which violates any applicable  
608 municipal, state or federal labeling requirement.

609 [(7)] (9) "Nonstandardized milk products" means milk-based  
610 products modified so they do not meet the definition of optional  
611 ingredients established in 21 CFR 131.110, contain milk and milk  
612 products, are intended to replace or be a substitute for standardized  
613 fluid milk products. Nonstandardized milk products may contain safe  
614 and suitable ingredients not present in standardized milk products.

615 [(8)] (10) "Pasteurization" or "pasteurized" has the same meaning, as  
616 defined in section 1 of the Pasteurized Milk Ordinance as promulgated  
617 by the United States Food and Drug Administration.

618 [(9)] (11) "Producer" means any person, firm or corporation that  
619 operates a dairy farm that provides, sells or offers milk to any dealer,  
620 person, handler, company or cooperative for sale.

621 [(10)] (12) "Public eating places" means places where meals are  
622 served to the general public, including, but not limited to, public or  
623 private schools and colleges, hotels, restaurants, clubs, lunchrooms,  
624 bars, fountains or any place of public entertainment.

625 [(11)] (13) "Raw milk" or "milk for pasteurization" means normal  
626 lacteal secretion that is practically free of colostrum and that is  
627 obtained by the complete milking of one or more healthy hooved

628 mammals.

629 [(12)] (14) "Raw milk cheese" means aged hard cheese that meets the  
630 sanitary provisions of this chapter and that is produced from retail raw  
631 milk.

632 [(13)] (15) "Retail raw milk" means normal lacteal secretion that is  
633 practically free of colostrum, that is obtained by the complete milking  
634 of one or more healthy goats, sheep or cows, that is intended for  
635 human consumption in the unpasteurized state and that meets the  
636 sanitary standards of this chapter.

637 [(14)] (16) "Retail raw milk producer" means any person, firm,  
638 corporation or cooperative association engaged in the production,  
639 handling, distribution or sale of retail raw milk.

640 [(15)] (17) "Retail raw milk cheese manufacturer" means any person,  
641 firm, corporation or cooperative association engaged in the  
642 production, handling, distribution or sale of cheese manufactured from  
643 retail raw milk.

644 [(16)] (18) "Safe and suitable ingredients" are food ingredients  
645 generally recognized as safe, as referenced in 21 CFR [184.1] 184 and 21  
646 CFR 186.

647 [(17)] (19) "Standardized milk and milk products" or "milk or milk  
648 products" means products for which a standard of identity has been  
649 established pursuant to 21 CFR 131.110.

650 Sec. 22. Section 22-129 of the general statutes is repealed and the  
651 following is substituted in lieu thereof (*Effective October 1, 2009*):

652 (a) The Commissioner of Agriculture or the commissioner's duly  
653 authorized agent shall prohibit the sale or offering for sale or  
654 distribution of any cheese, milk or other milk product which is  
655 insanitary or detrimental to health, and which has not been produced,  
656 processed, cared for or handled in the manner prescribed in this  
657 chapter and in chapter 431 and by the regulations of the Milk

658 Regulation Board.

659 (b) The following are prohibited: (1) The sale, offering for sale or  
660 offering for barter or exchange any milk, milk product or cheese that is  
661 adulterated, (2) the adulteration of any milk, milk product or cheese,  
662 (3) the sale, offering for sale, offering for barter or exchange,  
663 manufacturing, distributing or processing any milk, milk product or  
664 cheese from any facility not licensed pursuant to section 22-229, or (4)  
665 the sale, offering for sale, distributing, offering for barter or exchange  
666 any milk for pasteurization, retail raw milk or retail raw milk cheese  
667 from any dairy farm not registered pursuant to section 22-172 or 22-  
668 173a.

669 (c) The provisions of this section shall not apply to the production of  
670 milk, milk products, raw milk or raw milk products and the  
671 manufacture of cheese for personal consumption or for consumption  
672 by immediate family members.

673 (d) Nothing in this section shall prevent the commissioner from  
674 seeking any other remedy provided by law.

675 (e) Any person who violates any order issued by the commissioner  
676 or the commissioner's duly authorized agent pursuant to this section  
677 shall, for a first violation, have committed an infraction and, for a  
678 second or subsequent violation committed within one year of a prior  
679 violation, be guilty of a class A misdemeanor.

680 Sec. 23. Section 22-211a of the general statutes is repealed and the  
681 following is substituted in lieu thereof (*Effective October 1, 2009*):

682 The Commissioner of Agriculture may adopt, and from time to time  
683 revise and amend, regulations, in accordance with the provisions of  
684 chapter 54, necessary and appropriate to effectuate the policy and  
685 provisions of this part or any ruling or order issued hereunder. The  
686 commissioner shall have power to exempt from any regulation issued  
687 hereunder all dealers selling not more than three hundred quarts of  
688 milk per month. [The commissioner may adopt regulations which

689 incorporate by reference the provisions of the federal Pasteurized Milk  
 690 Ordinance promulgated by the United States Food and Drug  
 691 Administration provided such regulations shall be consistent with any  
 692 regulations adopted under section 22-133, and further provided such  
 693 regulations may by reference specifically incorporate any future  
 694 amendment to said ordinance.]

695 Sec. 24. (NEW) (*Effective October 1, 2009*) All milk dealers processing,  
 696 handling, storing, distributing, transporting, selling or offering for sale,  
 697 barter or exchange any milk, milk product or cheese shall comply with  
 698 the sanitation, handling, storage and processing provisions of chapter  
 699 430 of the general statutes and any regulations adopted thereunder.

700 Sec. 25. Section 22-111k of the general statutes is repealed. (*Effective*  
 701 *July 1, 2009*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	22-111a
Sec. 2	<i>July 1, 2009</i>	22-111b
Sec. 3	<i>July 1, 2009</i>	22-111c
Sec. 4	<i>July 1, 2009</i>	22-111d
Sec. 5	<i>July 1, 2009</i>	22-111e
Sec. 6	<i>July 1, 2009</i>	22-111f
Sec. 7	<i>July 1, 2009</i>	New section
Sec. 8	<i>July 1, 2009</i>	New section
Sec. 9	<i>July 1, 2009</i>	22-111g
Sec. 10	<i>July 1, 2009</i>	22-111h
Sec. 11	<i>July 1, 2009</i>	New section
Sec. 12	<i>July 1, 2009</i>	22-111i
Sec. 13	<i>July 1, 2009</i>	New section
Sec. 14	<i>July 1, 2009</i>	22-111j
Sec. 15	<i>July 1, 2009</i>	22-111l
Sec. 16	<i>July 1, 2009</i>	22-111m
Sec. 17	<i>July 1, 2009</i>	22-111n
Sec. 18	<i>July 1, 2009</i>	22-111o
Sec. 19	<i>July 1, 2009</i>	22-111p
Sec. 20	<i>July 1, 2009</i>	New section



Sec. 21	<i>October 1, 2009</i>	22-127
Sec. 22	<i>October 1, 2009</i>	22-129
Sec. 23	<i>October 1, 2009</i>	22-211a
Sec. 24	<i>October 1, 2009</i>	New section
Sec. 25	<i>July 1, 2009</i>	Repealer section